

Secrecy that hurts kids

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IN CALIFORNIA today, 60,000 children are wards of the state's foster-care system. They have been abused or neglected by their parents or guardians, and foster care is intended to be a crucial lifeline.

Instead, kids thrown into the maw of a well-meaning but often callous bureaucracy continue to suffer. Some die or are abused. They are three times more likely to end up in jail than to graduate from a four-year college. And their fates are controlled by officials who take them from their homes, assign them to new ones and reunite them with parents who brutalized them — all in secret.

The tragic confluence of family abuse and official negligence, hidden from the public by a culture of secrecy, has persisted for years despite pleading by advocates inside and outside the system. Thankfully, it may soon change.

Assemblyman Mike Feuer (D-Los Angeles), one of the state's most conscientious legislators, has introduced a bill to open the state's dependency courts, where these cases are heard, to the public.

His proposal got its first public airing last week at a remarkable hearing in Sacramento in which witness after witness testified to a broken system. Judges handle the cases of 700 children at any one time. Lawyers consult with their clients in court but otherwise barely know them. Social workers — some expert and experienced, others new and

unprepared — make decisions of life-wrenching significance: where a child lives, whether she can see her parents, where she should go to school. The typical dependency hearing, in which those issues are debated and resolved, lasts a mere 12 minutes.

One of those who testified at Feuer's hearing, which I watched after the fact on a DVD, was



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Jonathan Colon, a 17-year-old boy who was placed in foster care when he was 15. He described being yanked from school without warning one afternoon and shipped to a new home two hours away. He lost his school credits and his job. His lawyer, Colon said, never spoke to him outside court.

"It weighs on you after a while," he told the committee.

"Foster kids don't have a union," testified one witness, Ed

Howard, from the Children's Advocacy Institute. "They don't have a Chamber of Commerce. They can't vote. They don't have PACs. They aren't hiring PR firms. They don't do grass-tops or grass-roots organizing." And they suffer as a result. "Most everything bad that happens to them," Howard added, "happens to them in secret."

Under Feuer's proposal, the privacy of children could still be protected. The bill would simply change dependency courts from being presumptively closed to being presumptively open. Judges could, as they do in adult criminal courts, close some proceedings — those, for instance, in which children might be asked to testify about abuse — or take other measures to protect children.

The choice is not between embarrassing children or protecting them; it is between holding the system accountable and cloaking it in secrecy. The problem is not inquiring journalists or other observers; it is abusive parents and neglectful officials who take over the lives of these children and then fail them.

Experience proves this point. Dependency hearings across the country once were routinely held in secret. Now, two states hold entirely open hearings, and 18 more are presumptively open. No state that has opened its hearings has gone back to closed ones.

Among those who worry most about opening these proceedings are social workers and their union. At Feuer's hearing, it fell to David Green, a Los Angeles County social worker and mem-

ber of the SEIU local, to make labor's case. He was careful not to oppose the bill but rather to seek safeguards in it, and that's defensible enough. But, he added, "our primary goal should be to ensure that this sort of information [names, addresses, details of abuse] is not made public."

That's precisely wrong. The "primary goal" has to be to salvage the lives of children, and privacy is often what's hurting kids. No one is proposing publishing material that violates the privacy of children. But secrecy has led to a lack of accountability, and that's a huge threat to these children today.

Judge Michael Nash, the presiding judge of the juvenile courts for Los Angeles County, was among the last to testify at Feuer's hearing. For years, Nash has pressed for the kind of bill that Feuer has proposed, knowing well that opening proceedings would subject him and his colleagues to greater public scrutiny. It is testament to Nash's character and convictions that he has done so anyway.

Last week, he made his case yet again. The harm being done to children, he explained, comes not from the media or exposure. To the contrary, it comes from "people close to them" and from "a system that hasn't properly and doesn't properly serve a great number of them."

Feuer's bill is still a work in progress, but it may be the most important social legislation that the Legislature considers this year.

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